

WHITE PLAINS Bar Association

Established 1947

www.whiteplainsbar.org

c/o Keane & Beane, P.C.

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The White Plains Bar Association is pleased to continue its past practice (along with many other local Bar Associations), contributing to prizes awarded to the winners of the Annual High School Essay Contest to celebrate Women's History Month. The Contest is sponsored by the Committee to Promote Gender Fairness in the Courts of the Ninth Judicial District. The Contest encourages high school students to engage in thoughtful discussion of important issues of law, liberty, personal choice and personal responsibility.

This year's awards ceremony was held at the Westchester County Courthouse on Friday, May 5, 2017. The Committee awards their prize to the first and second place finishers in the 9th/10th grade and 11th/12th grade categories. The essays of this year's winners are attached for your review. Congratulations to all who entered and especially to the winners.

COMMITTEE TO PROMOTE GENDER FAIRNESS IN THE COURTS

NINTH JUDICIAL DISTRICT

C/O MCCARTHY FINGAR LLP

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WHITE PLAINS, NY 10606

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April 20, 2017

Re: 2017 Annual High School Essay Contest to Celebrate
Women's History Month

Dear Bar Association Leader:

The Gender Fairness Committee of the Ninth Judicial District has once again conducted its Annual Essay Contest for high school students in celebration of Women's History Month. The contest is open to all high school students attending accredited high schools within the Ninth Judicial District, i.e., Dutchess, Orange, Putnam, Rockland and Westchester Counties.

The contest encourages high school students to engage in thoughtful discussion of important issues of law, liberty, personal choice and personal responsibility. As lawyers, we want to promote this activity. The generous support of many of the bar associations in our Judicial District enables the Committee to support the contest by awarding monetary prizes to first and second place winners from the junior-senior classes and the freshman-sophomore classes.

The topic for this year's essay was: **"Joseph is a male student at American High School. He wants to try out for the school's field hockey team, which is traditionally comprised of all girls. The school does not have an equivalent team for boys. The field hockey coach refuses to let Joseph try out solely because he is a boy. A group of parents has also opposed the idea, stating that boys should not be allowed to play on an all-girls team. Joseph's parents have filed a complaint with the school's principal. What should the principal do, and what factors should be considered?"**

The Committee cannot award cash prizes to the essay winners without the assistance of your bar association. A check made payable to **The Westchester Women's Bar**

Association Foundation and returned at the earliest possible date to me, at the address on the letterhead, would be greatly appreciated.

Prizes will be presented to the students at a breakfast ceremony on **Friday, May 5, 2017 at 9:00 a.m. in the courtroom of the Hon. Linda Jamieson (courtroom 103 in the annex), Westchester County Courthouse, 111 Dr. Martin Luther King, Jr. Blvd., White Plains**, hosted by the Chief Administrative Judge of the Ninth Judicial District, Justice Alan Scheinkman. The winners in each division, i.e., freshman/sophomore and junior/senior, read their essays aloud. Bar association representatives are encouraged to attend, and will be acknowledged for their generous support.

Thank you for considering the Committee's request. If you have any questions, please feel free to contact me by phone at 914-385-1016 or by email at dgebhardt@mccarthyfingar.com.

Sincerely,



Dolores Gebhardt, Esq.

Committee Member
Past President, White Plains Bar
Association
Past President, Westchester
Women's Bar Association

9th/10th Grade First Place

An Equal Playing Field: Equality in Sports

America has endured years of discrimination seeking to become the land of which embraces gender equality. In this case, an American student Joseph has been denied the right to try out for the girls high school field hockey team, solely because of his gender.

A principal must consider several factors when such an issue is brought to his attention. The first factor that must be considered is whether Joseph suffered an imminent injury. Here the coach of the field hockey team would explicitly not let Joseph try out for the team, because of his gender. The second factor the principal should consider is whether the school receives federal funding. In 1972, Congress passed Title IX of the Education Amendments of 1972, which prohibits sex-based discrimination regarding high school athletes. Male athletes may not be excluded from female team when only one team exists. The third factor, once Joseph is allowed to try out for the team, is that he receives a fair evaluation to make the team. Joseph should be evaluated on his efforts and talents to play.

Under the 14th Amendment, Joseph should receive the same equitable treatment as others and not be judged based on his gender but only his talents. Moreover, the principal should also consider promoting school programs that are available to all students. All over the country there are girls playing on hockey teams and football teams. Girls are allowed to play on boy teams if they're skilled enough to compete and the precedent has been set for girls to play on any team. For this reason boys should be given the same opportunity.

Joseph should be able to play on the field hockey team at his high school to advance the idea of gender equality. The goal for our society should be to find a way to minimize gender inequality rather than magnify the issue. Only by advocating equality can we rid the inequality that remains in our daily lives.

9th/10th Grade Second Place

The statements "that's only for boys," or "that's for girls", have been thrown around frequently in the past, but is it permitted today? The answer is no, it is not. Freedom of participating in any activity or event, despite your gender should be allowed, especially within schools. Joseph is a male student at American High School who is hoping to try out for the field hockey team. Since there is no boys team, he wishes to join the girls squad. However, he is being denied this ability because both the coach and some parents oppose this idea. This student, or any other facing a dilemma similar to this one, should be entitled to be apart of any team regardless of their gender; although the principal must consider all the different factors that can be a possible outcome prior to making a decision.

Restricting students from playing a sport, or involving themselves in an extracurricular activity is erroneous. Some schools only have one team, either traditionally for boys or girls, within a sport; one girls field hockey team, one girls volleyball team, and one boys football team. But what if a boy longs to play a sport "meant for girls", or the other way around? What should they do then? This is a widespread problem, occurring in multiple schools; each one scrutinizing the facts hoping to find the best solution. Although, the answer is simple, allow these students to play on whatever team they desire. School is a place where students are told to pursue their dreams, work undeniable hard, stay on the right path, be involved, and thrive as a person. If a student is denied the ability to be apart of an activity, it automatically crosses off the objective to follow your dreams and to be involved in your school. Not to mention the fact that this student will be put down and feel hurt by being outcasted as a result of their gender: There is no harm in allowing a member of the different gender to play on a sports team that consists of the different sex, especially if their parents are on board.

However, it is important to acknowledge the other side of this predicament and understand the possible factors that impact the school negatively. For instance, the principal should consider the safety of this particular student, as well as others playing the sport alongside him. Is this student providing danger for the rest of the team? Are they too aggressive, and make others feel uncomfortable? Do the teammate's parents fear the well-being of their child if this student joins the team? In addition, the principal must review

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the rules, and confirm the student is authorized to play on the team. Nevertheless, the principal should also consider similar cases that arose in different schools, where members of the opposite gender were permitted to play on a sports team. The principal ought to assess whether it has been done before, and if so, evaluate the consequences. If positive results had occurred, such as an increase in the abilities of the team, or no major problems erupted, the principal should recognize and keep that in mind. Yet, if the outcome was negative, in the manner of injuries or any other complication, that must be taken into account as well.

A difference in one's gender should not be a reason to restrict that individual from participating in an activity. If there's only one team for a certain sport, that is usually comprised of boys or of girls, a student of the different sex should be granted the ability to play on the team, despite the traditional gender. Denying a student from being on a team limits their involvement in school and prevents them from achieving a possible dream. Understanding the possible effects of the individual being on the team is necessary for the principal to understand prior to deciding the fate of the student. Allowing a student with the opposite gender to play on an all boys, or all girls team has been done before, and should be approved now.

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11th/12th Grade
First Place

The Right to Pursue Happiness

In the "land of the free and home of the brave," people have fought tirelessly for equality, and it should seem that a person's right to seize an opportunity regardless of his or her outward appearance should be unequivocal. However, in the case of Joseph, a student at American High School who wants to try out for the field hockey team, support for his petition may be problematic. Ultimately, Joseph's principal should give him the chance play, provided that his school does not have a boy's field hockey team.

There is no question that men have an innate physical advantage in most sports, and, although this continues to be true in field hockey, it has grown to be a female-dominated sport in America. If Joseph is so determined to play on the traditionally female field hockey team at his school, he is making a decision that takes immense courage. To go against the status quo and follow a passion is not easy. Even if Joseph might have slight biological advantages, it is safe to assume that he does not have as much experience as the girls trying out for the team and poses little risk of injury to other players as there is no checking in the sport. Assuming that Joseph will automatically excel at the sport is sexist, and in not allowing him to try out solely because of his sex, the coach is showcasing his or her doubt in the female athletes at the school.

In Lauren Pappano and Eileen McDonagh's article, "Women and Men in Sports: Separate is not Equal," they argue that "individual ability – not gender – should be the first line drawn when organizing play." The irony is that talent is always said to be prized greatly sports, yet the "first line drawn," in most American sports, is between the sexes. If a girl was looking to play on an all-boys team, there would be no question that she should be allowed to try out since females are viewed as being inferior. Talent is what defines these brave girls, and although Joseph might have a larger build than some of the girls playing in this instance, his skill might not meet that of these athletes. Therefore, if American High School wants to join the effort to make true equality between the sexes become a reality in America, it is vital that Joseph have the opportunity to try out for the field hockey team.

Being able to pursue passions should not be limited in America. Girls were granted more opportunities to do so in sports through the Title IX portion of the United States Education Amendments of 1972, which required there be equal representation of the sexes in sports at schools, and this should hold true. If there is no boy's field hockey team at American High School, the principal should allow Joseph to play the sport if he proves to be athletically talented enough to do so.

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11/17th Grade Second Place

Sports are full of stereotypes; football players are considered to be strong, athletic males who can be quite intimidating while volleyball players are known to be quite fast and strategic females. These stereotypes have been engraved into the way we see sports. Along with these stereotypes, we have assigned a gender to each sport (males play baseball, females play softball, etc).

Joseph faces the problem of wanting to be part of the field hockey team, a traditional stereotypical all-girls team where there is no equivalent for the male gender. Thus, the principal of Joseph's school faces a difficult dilemma but has the opportunity to do the right thing. There are a lot of components that contribute to the ultimate answer that the principal will have to make. First, the physique of Joseph needs to be considered. If he is a very large, muscular teenager, the coach may have a stronger case as to why Joseph shouldn't be allowed to try out, because of the risk he may pose of injuries to other players. Next, it would be important for Joseph to recognize that he might have to wear what all of the girls wear, so him being comfortable with this idea is just as important. As Renee Montagne stated in her NPR segment, *Transgender Athletes in the Olympics*, "Scientists, endocrinologists, gynecologists, gender experts have carved out a set manifest standard for what defines a male and female athlete, ensuring that every person who steps up to the start line is not up against a chemically-engineered specimen quite unlike his or her birth profile." Ultimately, if Joseph's love for field hockey is quite strong, he should keep pushing to get that try out. If this is the case, then he can participate on the team and continue to show his love for field hockey by playing, but may not be able to take part in the actual games if his presence creates a dilemma for the surrounding players.

A principal's job entails making sure that the whole student population at the school feels comfortable in their environment, including the kids who surround them. In order to accomplish this, this principal needs to make sure that there is no discrimination of any type among the students or staff and administration, which also includes making sure that both genders have equal opportunities to succeed and participate in what they desire. Therefore, I personally feel that the principal should make sure that Joseph is allowed, at the very least, to try out for the field hockey team as it guarantees an equal opportunity that others are offered, despite the other factors that may be considered in ultimately granting or denying him a spot on the team. In the end, it is important that in school, students are given opportunities to participate in activities that they find interest in. The principal should allow Joseph to try out for the field hockey team, and take in consideration the potential denial and discrimination that Joseph is facing.

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